

Kerry	Murkowski	Snowe
Klobuchar	Murray	Specter
Kohl	Nelson (FL)	Stabenow
Kyl	Nelson (NE)	Stevens
Landrieu	Obama	Sununu
Lautenberg	Pryor	Tester
Leahy	Reed	Thomas
Levin	Reid	Thune
Lieberman	Roberts	Vitter
Lincoln	Rockefeller	Voinovich
Lott	Salazar	Warner
Lugar	Sanders	Webb
Martinez	Schumer	Whitehouse
McCaskill	Sessions	Wyden
McConnell	Shelby	
Menendez	Smith	

## NAYS—2

Bond Hagel

## NOT VOTING—4

Biden McCain  
Johnson Mikulski

The bill (S. 214), as amended, was passed, as follows:

## S. 214

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Preserving United States Attorney Independence Act of 2007”.

**SEC. 2. VACANCIES.**

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) A person appointed as United States attorney under this section may serve until the earlier of—

“(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

“(2) the expiration of 120 days after appointment by the Attorney General under this section.

“(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.”.

**SEC. 3. APPLICABILITY.**

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

## (b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(B) 120 days after the date of enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

Mr. SALAZAR. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**ORDER OF PROCEDURE**

Mr. SALAZAR. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to the consideration of calendar No. 82, S. Con. Res. 21, the concurrent budget resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT**

Mr. SALAZAR. Mr. President, I am very proud to have supported the Preserving United States Attorney Independence Act we just passed in the Senate. This bill will go a long way toward restoring the independence of Federal prosecutors—an independence which has, unfortunately, been chipped away at in recent months and years.

I have been disappointed to watch the drama unfolding over the past few weeks regarding the politicization of our justice system. Every day, as the Judiciary Committee continues its investigation, we see more revelations of how the Department of Justice may have allowed portions of the U.S. attorney corps to become a vehicle for political patronage—this despite the fact that U.S. attorneys are among the most powerful public officials in our country, making virtually unreviewable decisions about life and death, about punishment and leniency. They make these kinds of decisions every single day all across this country.

The U.S. attorneys must be individuals who have integrity. They must be above reproach. They must be free from any kind of partisan political interference.

I am disappointed the Department of Justice may have blurred the line between the representation of President Bush as a client and the representation of the people of the United States. I understand that distinction very well, having served both as chief counsel to the Governor of my State as well as attorney general for the State of Colorado. Those are two very different positions. One requires—in the case of chief counsel to the Governor or chief counsel to the President—a lawyer-client relationship. The other—Attorney General—requires the representation of the people whom you represent. In the case of a State attorney general, you are the representative of the people of that State. In the case of the U.S. Attorney General, you are the representative of the people of the United States of America.

If Attorney General Gonzales has, indeed, crossed this line, then in my view he has forfeited his right to lead the Department of Justice.

On January 28, 2005, I received a letter from Attorney General Gonzales as part of his confirmation process in this U.S. Senate. In that letter he reflected upon his understanding of the independence of the Office of the Attorney General. I quote in part from that letter where he says the following:

If confirmed, I will lead the Department of Justice and act on behalf of agencies and officials of the United States. Nevertheless, my highest and most solemn obligation will be to represent the interests of the People. I know that you understand this solemn duty well from your prior service as Chief Counsel to the Governor and as Colorado Attorney General.

I would hope as the Senate Judiciary Committee moves forward in examining the facts related to the allegations that have been raised, the Judiciary Committee makes sure those facts are evaluated against the standard of independence which is at the core of the Department of Justice and the U.S. Attorney General. If, in fact, this standard has been violated, then it is my view that Attorney General Gonzales should, in fact, resign.

In the meantime, the Senate has a responsibility to ensure that Federal prosecutors are indeed independent of partisan politics, and the bill we passed today is a good first step. But I believe we must do more. Later this week, I will introduce a bill which I believe will take us another important step toward restoring the independence of Federal prosecutors. I am hopeful it will be legislation that will have broad bipartisan support. My bill would simply make it a crime to coerce or to pressure or to attempt to influence a U.S. attorney's decision whether to commence the investigation or prosecution of a person based on that person's race, religion, sex, national origin, political activity, or political beliefs.

The U.S. Attorneys Manual itself, which is given to every U.S. attorney as they come into office, already prohibits any Federal prosecutor from taking action against a person for any of those reasons. My bill would make sure that standard of the United States Attorneys Manual is included in the law of the United States. It would also extend the prohibitions that are set forth in that manual to individuals who try to influence or manipulate Federal prosecutors.

Some may ask, why is this bill necessary? In my view, the bill is necessary because over the past few weeks we have seen evidence that the White House has politicized the appointment and termination of U.S. attorneys. We have also had concerns raised that individuals have tried to inject politics into the administration of justice.

I do not need to rehash the particulars of this controversy right now, but suffice it to say many Senators on both sides of the aisle are concerned that the independence of our Federal prosecutors has, in fact, been threatened. Fixing the process for appointment of interim prosecutors is an important first step, no doubt. But that alone will not prevent individuals—whether from the Department of Justice or anywhere else—from attempting to influence the decisionmaking process of U.S. attorneys in an inappropriate manner. That is what my bill is designed to prevent.